

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1066 of 2018

Arising Out of PS. Case No.-1537 Year-2015 Thana- NAWADAH COMPLAINT CASE
District- Nawada

=====

Naween Kumar S/o Late Rajendra Singh @ Late Rajendra Pd. Singh, R/o
Vill.- Mafi, Post Office- Warisaliganj, P.S.- Warsaliganj, District- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Amit Kumar, Circle Officer, Warsaliganj, P.S.-Warisaliganj, District- Nawada.
3. Sanjay Kumar , Anchal Karmchari, Warisaliganj Circle, Halka Number-7, District- Nawada, Permanent resident of Vermi, P.S.-Warisaliganj, District- Nawada.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Mritunjay Kumar, Adv.
For the O.P.No.1	:	Dr. Ajeet Kumar, APP
For the O.P.No.2	:	Mr. Sanjeev Kumar, Adv.
For the O.P.No.2	:	Mr.Sudish Kumar, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 19-09-2022 Mr. Sanjeev Kumar, learned advocate has entered appearance for opposite party no.2 and Mr. Sudish Kumar, learned advocate has entered appearance for opposite party no.3.

With the consent of learned counsel for the parties,
this revision application is being disposed of.

It appears that the petitioner is aggrieved by and dissatisfied with the order dated 27.04.2018 whereby and whereunder, while taking cognizance and issuance of summons to the accused no.1 Basanti Devi and accused no.2 Karu Thakur, the learned Chief Judicial Magistrate has not at all passed any



order with respect to the opposite party nos. 2 and 3 who were arrayed in the column of accused as proposed accused nos.3 and 4 respectively.

Learned counsel for the petitioner submits that the learned Chief Judicial Magistrate was, in case not inclined to issue summons to the accused nos.3 and 4, he should have stated that clearly with reasons. That is the mandate of Section 203 Cr.P.C.

Learned counsel for the opposite party nos.2 and 3 submits that they would have no objection if the learned Chief Judicial Magistrate, Nawada is directed to pass a specific order with regard to the opposite party nos.2 and 3 as well.

Having heard learned counsel for the petitioner and learned counsel for the opposite party nos.2 and 3 as also learned APP for the State, this Court is of the considered opinion that so far as the impugned order is concerned, by the same cognizance has been taken under Sections 420 and 471 of the Indian Penal Code and upon finding a prima-facie case against accused nos. 1 and 2, the learned Chief Judicial Magistrate had issued summons. The accused nos.1 and 2 are not before this Court, therefore, there is no reason to interfere with the said order taking cognizance and issuance of summons to accused



nos.1 and 2. The limited grievance of the petitioner may be taken care of by issuing a direction to the learned Chief Judicial Magistrate, Nawada to pass a specific order with regard to the opposite party nos.2 and 3.

Let it be recorded that direction to pass a specific order shall not be construed as any opinion of this Court with regard to the merit of the case and it will be in the domain of the learned Chief Judicial Magistrate, Nawada to pass an appropriate order in accordance with law.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

arvind/-

U			
---	--	--	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

